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F I L E D
 Clerk
 District Court

AUG - 3 2005

For The Northern Mariana Islands
 By _____
 (Deputy Clerk)

F. MATTHEW SMITH
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Attorneys for Defendant Northern Marianas College.

**IN THE UNITED STATES DISTRICT COURT
 OF THE
 NORTHERN MARIANA ISLANDS**

JOHN (JACK) ANGELLO	]	Civil Action No. 03-0014
]	
Plaintiff,	]	MOTION FOR THE LEVYING
	]	OF SANCTIONS
-vs-]	
	]	SEP - 6 2005
NORTHERN MARIANAS COLLEGE	]	Date: _____
	]	Time: <u>10: 00 AM</u>
Defendant.	]	Judge: Honorable David A. Wiseman
	]	Designated Judge

Come now the Northern Marianas College, the Defendant herein, by and through its undersigned counsel, and hereby move this Court to levy sanctions on Plaintiff John (Jack) Angello on the grounds that attempts have been made to continue discovery after this Court denied Plaintiff's Motion to Compel For Production of Documents (filed June 15, 2005 and denied July 26, 2005). This attempt to continue with discovery is in violation of Rule 16(f) of the Federal Rules of Civil

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Procedure, in that he failed to obey a pretrial order. This attempt was also in violation of Rule 37(b)(2)(D) of the Federal Rules of Civil Procedure, in that such a request cannot be made after the Court ordered closure of the discovery period. These actions show not only a lack of respect for this Court, but contempt for the orders given by this Court. This Court has the discretion in the sanctions that it chooses to impose, such as attorney's fees and costs in responding to this request, contempt, as well as any other order deemed just and proper. This motion is based on the affidavit of F. Matthew Smith, the attorney of record for the Defendant, which is attached hereto and incorporated by this reference as Exhibit A.

Respectfully submitted this 3 day of August, 2005.

**LAW OFFICE OF:
F. MATTHEW SMITH, LLC
Attorney at Law**


F. MATTHEW SMITH
Attorney for the Defendant NMC

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**IN THE UNITED STATES DISTRICT COURT
 FOR THE
 NORTHERN MARIANA ISLANDS**

JOHN (JACK) ANGELLO,]	Civil Action No. 03-0014
	Plaintiff,	DECLARATION OF COUNSEL
-vs-	]	IN SUPPORT OF
	]	SANCTIONS
NORTHERN MARIANAS COLLEGE,]	
	Defendants.	

Pursuant to 7 CMC §3305, I, F. Matthew Smith, hereby declare:

1. I am counsel of record for the Defendant in the above-styled action.
2. I am duly licensed to practice law before this Court.
3. Pursuant to the Case Management Scheduling Order (filed January 21, 2005), all discovery was to be completed by April 29, 2005.
4. This Court confirmed April 29, 2005 as the deadline when it denied Plaintiff's Motion to Compel and for Production of Documents (filed June 15, 2006). See Order Denying Motion to Compel (filed July 26, 2005).



5. On August 1, 2005, Plaintiff Angello sent a request to the Northern Marianas College (“NMC”) in an attempt to obtain the exact documents he was denied after the discovery deadline and in violation of the Court’s order dated July 26, 2005. *See* attached letter from Plaintiff Angello that is attached hereto and incorporated hereby as Attachment 1.

6. NMC has complied with all valid discovery requests and court orders.

7. This request to produce documents pursuant to the CNMI Open Government Act is a thinly veiled attempt at furthering discovery in the above styled action, in flagrant disregard and contempt for the orders of the Court.

8. Pursuant to Federal Rules of Civil Procedure Rules 16(f) and 37(b)(2)(D), the sanctions levied can include compensation for attorney’s fees and expenses in responding to this request, contempt, as well as any other remedy that this Court deems to be just and proper.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on August 3, 2005, at Saipan, CNMI.



F. MATTHEW SMITH
Attorney for Defendant NMC

Attorney M. Suter

August 01, 2005

HAND DELIVERED

COPY
Mr. Antonio DL Guerrero, President
Northern Marianas College
Saipan, MP 96950

Re: Request for Documents via the CNMI Open Government Act

Dear President Guerrero:

Pursuant to the CNMI Open Government Act (1 CMC § 9917), please provide within 10 days of this request all public records and documents listed below for my inspection during your established business hours:

1. All documents relating to the planning, recruitment and selection of Mr. Kenneth Wright as President of NMC in 2002.
2. All documents relating to the planning, recruitment and selection of Mr. Jack Sablan as Dean of Continuing Education of NMC in May-June of 2002.
3. All quarterly (budgetary) allotment documents for the Department of Vocational & Trades; Business, Computer & Hospitality; and the School of Education for the years 1996 through 2003.
4. All documents pertaining to NMC's financial statement of 2004.

For purposes of defining documents as applicable to 1 CMC § 9917, "document" means the original and any non-identical copy of all "writings," "recordings," and "photographs," including, but not limited to, letters, telegraph, cablegrams, telexes, memoranda, notes, records, reports, studies, calendars, diaries, agenda, minutes, books, pamphlets, periodicals, newspaper clippings, graphs, index, charts, tabulations, statistical accumulation, ledgers, financial statements, accounting entries, press releases, contracts, affidavits, transcripts, legal documents, records of meeting and conferences, records of conversations and telephone calls, still photographs, video tapes, motion pictures, tape recording, recording made through date processing techniques, and the written information necessary to understand and use such films and records.

Sincerely,



Dr. John Jack Angello
P.O. Box 501149
Saipan, MP 96950
Fone/fax: 235-8691

Received by:

NMC Representative of President's Office Date

08/01/05
4:30pm

ATTACHMENT "1"